



**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION
MAY 16, 2007**

Chair John Bauer called the meeting to order at 7:30 p.m. Present at the meeting were Vice-Chair Lenny Levy, Commissioners Matthew Hopkins, Lloyd Kaufman, and Danny Winborne, City Attorney Cathy Borten, Planning and Code Administration Director Greg Ossont, Planning Director Lauren Pruss, Community Planning Director Trudy Schwarz, Planners Jacqueline Marsh, Patricia Patula, and Rob Robinson, and Recording Secretary Myriam Gonzalez. Absent: Alternate Commissioner Geri Lanier.

I. APPROVAL OF MINUTES

May 2, 2007, Planning Commission Meeting

Vice-Chair Levy moved, seconded by Commissioner Winborne, to APPROVE the Minutes of the May 2, 2007, Planning Commission Meeting, as submitted this evening.

Vote: 4-0-1 (Abstained: Kaufman)

II. CONSENT

<p>AFP-06-018 -- Police Vehicle Recovery Facility 305 Metropolitan Grove Road 8,154-Sq.Ft. Two-Story Office Building, 2,604-Sq.Ft. One-Story Auto Bays Building EXTENSION OF APPROVAL</p>	<p>MXD Zone</p>
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<p>AFP-07-012 -- 4 Acline Court in Fernshire Farms (Benton Residence) 72-Sq.Ft. Rear Addition AMENDMENT TO FINAL PLAN REVIEW</p>	<p>R-90 Cluster</p>
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Vice-Chair Levy noted the square footage listed on the agenda differed from that in the staff comments. Staff stated that the agenda reflected the information on the application as initially submitted by the applicant, noting that 72 square feet was the accurate size.

Vice-Chair Levy moved, seconded by Commissioner Winborne, to APPROVE the Consent Agenda.

Vote: 5-0

III. RECOMMENDATION TO MAYOR AND COUNCIL

MP-1-07 -- Amendment to the General Plan for the Gaithersburg Corridor City Master Plan adding a Historic Preservation Element

Planner Robinson stated this plan was the subject of a joint public hearing with the City Council in April 2007, and the Commission's record closed on May 10, 2007. He noted that in response to public comments, staff had made corrections to the draft document, outlined in staff's memorandum (Exhibit 36), and recommends two additional actions to Objectives 1 and 4, which he listed.

In response to Commissioner Kaufman's comment regarding Objective 5 of the document and future action relating to the designation of Observatory Heights as a historic district, staff was directed to revise the objective to "pursue designation as a historic district." He noted the importance of including in the Element the status of the existing outbuildings on the Crown Farm property in terms of their historic significance. Planning and Code Administration Director Ossont noted that the evaluation of the outbuildings has not been completed. In response to additional comments of Commissioner Kaufman, staff indicated that clarification language would be added to Footnote 4 on Page 6, and a reference to the GE Tech Park Special Study Area would be inserted in the text on Page 3 regarding the existing building on the National Geographic Society property as an important landmark.

In response to Vice-Chair Levy's comment on the absence of the Historic Preservation Advisory Committee (HPAC) from the document as an advisory board that would use the Historic Preservation Plan for informational purposes, Commissioner Hopkins suggested a language revision to that effect which was acceptable to staff. Relating to neighborhood conservation, Commissioner Hopkins also suggested adding language on Page 4 to more accurately reflect where the initial ideas originated for creating a traditional 19th Century neighborhood in an urban setting.

Chair Bauer referenced previous concerns over the impact of the policies of the Plan on redevelopment in Olde Towne, and noted that the Plan seems to provide a balance between preservation and appropriate redevelopment in Olde Towne. He favored the proactive approach of the goals of the Plan and complimented staff and the HPAC. It was noted that the draft resolution recommending adoption of the Plan would be revised in accordance with the above comments and scheduled on the Commission's June 6 meeting agenda.

IV. DISCUSSION

Zoning Ordinance § 24-168 – Residential Site Plan Requirements

Planning and Code Administration Director Ossont stated that staff had prepared a draft ordinance for the Commission's review this evening, in response to the Commission's direction given at the March 7, 2007, regular meeting. He discussed the draft ordinance, noting it establishes a threshold to trigger the implementation of new standards. He identified the threshold as the addition of 100 percent or more of habitable space of the existing residential square footage, which would require the submittal of a site plan and compliance with the current requirements for site plan review, i.e., neighborhood notification, architectural compatibility, and off-street parking standards, among others.

In response to Chair Bauer, staff noted that smaller additions would undergo the current residential permitting process. Staff also responded to inquiries relating to applications involving historic area work permits, removal of ancillary structures, e.g., sheds, on-site parking, and demolitions. Regarding the latter, staff noted they would not be addressed by the

subject proposal. Commissioner Hopkins commented that the goal of the Zoning Ordinance modification under consideration is to try to maintain a zone where there are no restrictions for residential modifications by protecting it from extreme modifications.

Vice-Chair Levy considered the 100 percent threshold excessively high and favored a threshold of 80 percent increase of the existing square footage. Chair Bauer cautioned against establishing design guidelines and requested that staff provide examples of other jurisdictions with adopted similar policies as well as an inventory of residential additions in the City in the last five years.

Commissioner Kaufman voiced his support of establishing a threshold based on the increase of total square footage, not just habitable space. Chair Bauer agreed and emphasized the importance of neighborhood notification.

The following were comments from the public:

Alan Fraser, 790 West Kimberly Court, West Riding resident and former City Planning Commissioner, supported a lower percentage of square footage increase and stressed the importance of providing notification and compatibility standards. He voiced his support of the Commission's proactive approach with the subject document. He suggested a threshold of 33 to 50 percent of square footage increase and notification of neighbors even when only the permitting process is applicable. He favored the Commission's direction for staff to provide sample cases and recommended seeking more public input on this proposal.

West Riding Citizens Association President JoAnne Schimke, 734 Tiffany Court, considered the 100 percent increase excessive, favoring a 50 percent of the total existing square footage and the elimination of the "habitable space" clause from the document. She thanked Mr. Ossont for the openness with which the subject proposal is proceeding.

V. FROM THE COMMISSION

Commissioner Kaufman

Reported that green shutters at the Courtyard Marriott in Washingtonian Center have still not been removed. Staff noted they will be temporary until the storefronts have tenants. It was noted that glass should substitute the shutters. Vice-Chair Levy noted that the green shutters had been covered with banners previously, but they are no longer there and should be put back. Vice-Chair Levy cited another instance in which the property owner had not fulfilled his obligations.

Vice-Chair Levy

Suggested considering new legislation to regulate demolitions and replacement of residential properties in the City.

Commissioner Winborne

Noted he would be reporting on his recent attendance at the Annual Planning Association National Conference in April.

VI. FROM STAFF*Community Planning Director Schwarz*

Noted a joint public hearing with the City Council was scheduled for June 18.

Planning and Code Administration Director Ossont

In response to a previous action item, reported that Costco would not move forward with the implementation of an approved site plan for an expansion of the eating area.

VII. ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 8:55 p.m.

Respectfully submitted,

M. Gonzalez
Recording Secretary